

12-14-99

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FORM PTO-1390  
(REV. 11-98)DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NUMBER

20002YP

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/445837

INTERNATIONAL APPLICATION NO.  
PCT/US98/14746INTERNATIONAL FILING DATE  
July 17, 1998PRIORITY DATE CLAIMED  
July 22, 1997

TITLE OF INVENTION

METHOD OF INHIBITING BONE RESORPTION

APPLICANT(S) FOR DO/EO/US

ANASTASIA G. DAIFOTIS, ARTHUR C. SANTORA II, and A. JOHN YATES

**Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:**

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures [35 U.S.C. 371(f)] at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed [35 U.S.C. 371(c)(2)].
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English [35 U.S.C. 371(c)(2)].
7. ☒ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)].
  - a. ☒ are transmitted herewith (required only if not transmitted by the International Bureau). \* Pls see Item 16.
  - b. ☒ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9. ☒ An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

**Items 11 to 16 below concern other document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:

\* NOTE: Amendment of 9 November 1999 is enclosed.

**EXPRESS MAIL CERTIFICATE**DATE OF DEPOSIT December 13, 1999EXPRESS MAIL NO. FM358365073USI HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
BEING DEPOSITED WITH THE UNITED STATES POSTAL  
SERVICE AS EXPRESS MAIL "POST OFFICE TO

ADDRESSEE" BEFORE 5 P.M. ON THE ABOVE DATE IN

AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER  
FOR PATENTS, WASHINGTON, D.C. 20591MAILED BY Patricia SamuelsDATE December 13, 1999

|   |  |                               |  |                      |  |
|---|--|-------------------------------|--|----------------------|--|
| U.S. APPLICATION NO. (If known,<br>CFR 1.5) |  | INTERNATIONAL APPLICATION NO. |  | RNEY'S DOCKET NUMBER |  |
| 09/445837                                   |  | PCT/US98/14746                |  | 20002YP              |  |

| 17. <input checked="" type="checkbox"/> The following fees are submitted:<br><b>BASIC NATIONAL FEE [37 CFR 1.492(a)(1)-(5)]:</b><br>Neither international preliminary examination fee (37 CFR 1.482)<br>nor international search fee [37 CFR 1.445(a)(2)] paid to USPTO<br>and International Search Report not prepared by the EPO or JPO..... \$970.00<br><br>International preliminary examination fee (37 CFR 1.482) not paid to<br>USPTO but International Search Report prepared by the EPO or JPO..... \$840.00<br><br>International preliminary examination fee (37 CFR 1.482) not paid to USPTO<br>but international search fee [37 CFR 1.445(a)(2)] paid to USPTO..... \$760.00<br><br>International preliminary examination fee paid to USPTO (37 CFR 1.482)<br>but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... \$670.00<br><br>International preliminary examination fee paid to USPTO (37 CFR 1.482)<br>and all claims satisfied provisions of PCT Article 33(1)-(4)..... \$96.00<br><br><div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div> | <b>CALCULATIONS</b>      | <b>PTO USE ONLY</b> |              |      |              |          |   |           |                    |         |   |           |   |  |  |            |                                      |  |  |          |  |  |
|--|--------------------------|---------------------|--------------|------|--------------|----------|---|-----------|--------------------|---------|---|-----------|---|--|--|------------|--------------------------------------|--|--|----------|--|--|
| Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30<br>months from the earliest claimed priority date [37 CFR 1.492(e)].  | \$840.00                 | \$0.00              |              |      |              |          |   |           |                    |         |   |           |   |  |  |            |                                      |  |  |          |  |  |
| <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">Claims</th> <th style="width:20%;">Number Filed</th> <th style="width:20%;">Number Extra</th> <th style="width:20%;">Rate</th> </tr> <tr> <td>Total Claims</td> <td style="text-align: center;">1 - 20 =</td> <td style="text-align: center;">0</td> <td style="text-align: center;">X \$18.00</td> </tr> <tr> <td>Independent Claims</td> <td style="text-align: center;">1 - 3 =</td> <td style="text-align: center;">0</td> <td style="text-align: center;">X \$78.00</td> </tr> <tr> <td>Multiple dependent claim(s) (if applicable)</td> <td></td> <td></td> <td style="text-align: center;">+ \$260.00</td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td style="text-align: center;">\$840.00</td> </tr> </table>   | Claims                   | Number Filed        | Number Extra | Rate | Total Claims | 1 - 20 = | 0 | X \$18.00 | Independent Claims | 1 - 3 = | 0 | X \$78.00 | Multiple dependent claim(s) (if applicable) |  |  | + \$260.00 | <b>TOTAL OF ABOVE CALCULATIONS =</b> |  |  | \$840.00 |  |  |
| Claims   | Number Filed             | Number Extra        | Rate         |      |              |          |   |           |                    |         |   |           |   |  |  |            |                                      |  |  |          |  |  |
| Total Claims   | 1 - 20 =                 | 0                   | X \$18.00    |      |              |          |   |           |                    |         |   |           |   |  |  |            |                                      |  |  |          |  |  |
| Independent Claims   | 1 - 3 =                  | 0                   | X \$78.00    |      |              |          |   |           |                    |         |   |           |   |  |  |            |                                      |  |  |          |  |  |
| Multiple dependent claim(s) (if applicable)  |                          |                     | + \$260.00   |      |              |          |   |           |                    |         |   |           |   |  |  |            |                                      |  |  |          |  |  |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>   |                          |                     | \$840.00     |      |              |          |   |           |                    |         |   |           |   |  |  |            |                                      |  |  |          |  |  |
| Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity<br>Statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).  |                          |                     |              |      |              |          |   |           |                    |         |   |           |   |  |  |            |                                      |  |  |          |  |  |
| <b>SUBTOTAL =</b>  | \$840.00                 |                     |              |      |              |          |   |           |                    |         |   |           |   |  |  |            |                                      |  |  |          |  |  |
| Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20<br><input type="checkbox"/> 30 months from the earliest claimed priority date [37 CFR 1.492(f)].   | \$0.00                   |                     |              |      |              |          |   |           |                    |         |   |           |   |  |  |            |                                      |  |  |          |  |  |
| <b>TOTAL NATIONAL FEE =</b>  | \$840.00                 |                     |              |      |              |          |   |           |                    |         |   |           |   |  |  |            |                                      |  |  |          |  |  |
| Fee for recording the enclosed assignment [37 CFR 1.21(h)]. The assignment must be<br>accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property.  | \$0.00                   |                     |              |      |              |          |   |           |                    |         |   |           |   |  |  |            |                                      |  |  |          |  |  |
| <b>TOTAL FEES ENCLOSED =</b>   | \$840.00                 |                     |              |      |              |          |   |           |                    |         |   |           |   |  |  |            |                                      |  |  |          |  |  |
|  | Amount to be<br>refunded |                     |              |      |              |          |   |           |                    |         |   |           |   |  |  |            |                                      |  |  |          |  |  |
|  | charged                  |                     |              |      |              |          |   |           |                    |         |   |           |   |  |  |            |                                      |  |  |          |  |  |

a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 13-2755 in the amount of \$840.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to the Deposit Account No. 13-2755. A duplicate copy of this sheet is enclosed.

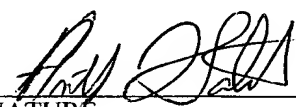
**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive  
[37 CFR 1.137(a) or (b)] must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

MERCK & CO., INC.  
Patent Department, RY60-30  
P.O. Box 2000  
126 East Lincoln Avenue  
Rahway, New Jersey 07065-0970

DATE: December 13, 1999

PHONE #: (732) 594-1935

  
\_\_\_\_\_  
SIGNATURE  
  
ANTHONY D. SABATELLI  
NAME  
  
34,714  
REGISTRATION NUMBER